COURT NO. 2

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (S/S) 6399/2001
(Old No. 18599 /1992)

Satya Bhan Singh,
S/o Sri Ganga Singh,
R/o Village & Post Chhabupur Khurd,
Post Office Ubhaiti,
District Badaun.

.....Petitioner

Versus

1. The Chief Medical Officer,
   Almora.
2. The Additional Director (Health),
   Directorate of Medicine Health &
   Family Welfare,
   U.P. Lucknow.

...Respondents.

Sri T.A. Khan, learned Counsel for the petitioner.
Sri H.M. Raturi, learned Standing Counsel for the State.

12th December, 2007

Hon'ble P.C. Verma, J.

By means of this writ petition, the petitioner has prayed for a writ of Certiorari to quash the impugned termination order dated 8.5.1991 and has further prayed for a writ of Mandamus commanding the respondents not to interfere with the services of the petitioner.

2. I have heard learned Counsel for the parties and perused the record.

3. Petitioner was appointed as Lab Assistant (Rural) on 15.11.1990. His services were terminated by the impugned order dated 8.5.1991 when the respondent no. 1 came to know that the petitioner got the appointment

to the said post by submitting the false and fabricated appointment letter. The writ petition has been pressed mainly on the ground that no opportunity of hearing was afforded to the petitioner before passing the termination order and as such, the same is in violation of principles of natural justice.

4. As is evident, the appointment of the petitioner was void ab initio and what is wrong ab initio is wrong forever. In such a situation principles of natural justice are not attracted. The termination of the services of the petitioner was only a correction of mistake and no opportunity was required to be aforesaid to the petitioner as the appointment itself was in violation of Article 16 of the Constitution.

5. In view of the above, the prayer made by the petitioner cannot be granted in view of the law laid down by the Hon'ble Apex Court in case of Secretary, State of Karnataka & Ors. V. Umadevi & Ors. reported in **(2006) 4 SCC 1.**

6. For the reasons recorded above, the petition lacks merit and is misconceived, which is dismissed accordingly. No order as to costs.

(P.C. Verma, J.)

Prabodh